

HOUSE JOURNAL

SEVENTY-EIGHTH LEGISLATURE, SECOND CALLED SESSION

PROCEEDINGS

SEVENTH DAY — FRIDAY, AUGUST 22, 2003

The house met at 11 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 30).

Present — Mr. Speaker; Allen; Alonzo; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Goodman; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wise; Wohlgemuth; Wolens; Wong; Zedler.

Absent, Excused — Bailey; Burnam; Jones, J.; Mercer; Woolley.

Absent — Chavez; Corte; Giddings; Goolsby; Hochberg; Peña; Smithee; Taylor; Wilson.

The invocation was offered by Reverend Kenneth A. Allen, Sr., pastor, Mount Zion First Baptist Church, San Antonio, as follows:

O gracious God, we, your people, pause at the beginning of this day to give you thanks, to acknowledge your goodness, and to seek your sanction for the work of this legislative body.

Thank you for your many blessings—for the rich diversity of this land and the tremendous human, mineral, and capital resources of this state. Thank you for the stewardship of those resources invested in this body.

As they gather this morning to conduct the affairs of the state, to debate and discuss the great issues of the day, to provide for the common good, to legislate and deliberate, and to create a more just society for the citizens of this state, give them, we pray, a measure of your peace and wisdom.

Help them to find common ground, and give them a mutual appreciation for their respective constituencies. And when their work is done, may they be able to say, "I have fought a good fight. I have finished my course. I have kept the faith."

In thy name we pray. Amen.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

J. Jones on motion of Naishtat.

Mercer on motion of Riddle.

The following member was granted leave of absence for today because of important business:

Burnam on motion of Naishtat.

The following member was granted leave of absence for today because of illness in the family:

Bailey on motion of Naishtat.

The following member was granted leave of absence for today because of personal business:

Woolley on motion of Madden.

(Solomons in the chair)

CAPITOL PHYSICIAN

The chair recognized Representative Kuempel who presented Dr. Beverly Nuckols of New Braunfels as the "Doctor for the Day."

The house welcomed Dr. Nuckols and thanked her for her participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HR 175 - ADOPTED

(by Alonzo)

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 175**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 175, Recognizing the establishment of the Hispanic Sport Reporters Association of the Dallas/Fort Worth Metroplex.

HR 175 was adopted without objection.

(Hochberg now present)

HR 136 - ADOPTED
(by Flynn)

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 136**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 136, Honoring Robert Winningham for receiving the Greenville Independent School District's Key Communicator Award.

HR 136 was adopted without objection.

HR 137 - ADOPTED
(by Flynn)

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 137**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 137, Honoring the founders of Homemade Gourmet, Inc., and recognizing the company's relocation from Frisco to Canton.

HR 137 was adopted without objection.

HR 138 - ADOPTED
(by Flynn)

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 138**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 138, Congratulating Kathy Weis on her receipt of Greenville ISD's Key Communicator Award.

HR 138 was adopted without objection.

HR 139 - ADOPTED
(by Flynn)

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 139**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 139, Honoring John and JoAnn Mercer of Greenville on their 50th wedding anniversary.

HR 139 was adopted without objection.

HR 140 - ADOPTED
(by Flynn)

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 140**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 140, Honoring Kelly Hall for receiving the Greenville Independent School District's Key Communicator Award.

HR 140 was adopted without objection.

HR 174 - ADOPTED
(by Flynn)

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 174**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 174, Honoring the Reverend Ben Clinton Smith on his retirement after 50 years in the ministry.

HR 174 was adopted without objection.

HR 142 - ADOPTED
(by Flynn)

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 142**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 142, In memory of Sergeant Steven Wayne White of Fruitvale.

HR 142 was unanimously adopted by a rising vote.

On motion of Representative Eissler, the names of all the members of the house were added to **HR 142** as signers thereof.

HR 143 - ADOPTED
(by Flynn)

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 143**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 143, In memory of Georgia Louise Reid of Canton.

HR 143 was unanimously adopted by a rising vote.

On motion of Representative Eissler, the names of all the members of the house were added to **HR 143** as signers thereof.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Gallego on motion of Alonzo.

HR 130 - ADOPTED (by J. Jones and Berman)

Representative Berman moved to suspend all necessary rules to take up and consider at this time **HR 130**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 130, Honoring B. G. "Bill" Hartley of Tyler for his 29 years of exemplary service as a trustee of Texas College and for his contributions to his community and state.

HR 130 was adopted without objection.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of medical reasons:

Luna on motion of Guillen.

HR 159 - ADOPTED (by Capelo)

Representative Capelo moved to suspend all necessary rules to take up and consider at this time **HR 159**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 159, Congratulating Becky Kitching Moeller of Corpus Christi on her election as secretary-treasurer of the Texas AFL-CIO.

HR 159 was adopted without objection.

On motion of Representative Garza, the names of all the members of the house were added to **HR 159** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Capelo who introduced Becky Kitching Moeller.

HR 144 - ADOPTED (by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 144**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 144, Honoring Stephen Moore for his athletic achievements.

HR 144 was adopted without objection.

On motion of Representatives Wolens and Laney, the names of all the members of the house were added to **HR 144** as signers thereof.

(Giddings now present)

HR 145 - ADOPTED

(by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 145**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 145, In memory of Dr. Raymond T. "Prof" Bynum of Abilene.

HR 145 was unanimously adopted by a rising vote.

On motion of Representative Laney, the names of all the members of the house were added to **HR 145** as signers thereof.

HR 163 - ADOPTED

(by J. Jones)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 163**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 163, In memory of Robert H. Hester of Dallas.

HR 163 was unanimously adopted by a rising vote.

HR 164 - ADOPTED

(by J. Jones)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 164**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 164, Honoring James T. Bailey of Dallas, former president of the National Pan-Hellenic Council.

HR 164 was adopted without objection.

HR 150 - ADOPTED
(by Hamric)

Representative Hamric moved to suspend all necessary rules to take up and consider at this time **HR 150**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 150, Honoring Clarence L. Hardeman of Austin on his retirement from the Texas House of Representatives.

(Speaker in the chair)

HR 150 was read and was adopted without objection.

On motion of Representative Wolens, the names of all the members of the house were added to **HR 150** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative Hamric who introduced Clarence L. Hardeman.

(Solomons in the chair)

HR 149 - ADOPTED
(by Hamric)

Representative Hamric moved to suspend all necessary rules to take up and consider at this time **HR 149**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 149, Honoring Kathryn Jones of Austin on her retirement from the Texas House of Representatives.

HR 149 was read and was adopted without objection.

On motion of Representative P. Moreno, the names of all the members of the house were added to **HR 149** as signers thereof.

(Corte now present)

INTRODUCTION OF GUEST

The chair recognized Representative Hamric who introduced Kathryn Jones.

HR 156 - ADOPTED
(by Hamric)

Representative Hamric moved to suspend all necessary rules to take up and consider at this time **HR 156**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 156, Honoring Charles Lester of Austin on his retirement from the audit division of the Texas Comptroller of Public Accounts.

HR 156 was adopted without objection.

HR 157 - ADOPTED
(by Hamric)

Representative Hamric moved to suspend all necessary rules to take up and consider at this time **HR 157**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 157, Honoring Maurice McBride of Houston on his retirement from the Texas Comptroller of Public Accounts.

HR 157 was adopted without objection.

HR 167 - ADOPTED
(by Riddle)

Representative Riddle moved to suspend all necessary rules to take up and consider at this time **HR 167**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 167, Honoring Stephen Magness for his exemplary high school track career and record-setting performances.

HR 167 was read and was adopted without objection.

On motion of Representative Hill, the names of all the members of the house were added to **HR 167** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Riddle who introduced Stephen Magness, his family, and coach.

(Peña now present)

HR 172 - ADOPTED
(by Wong)

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 172**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 172, Honoring John J. Pershing Middle School of Houston on its 75th anniversary.

HR 172 was adopted without objection.

HR 173 - ADOPTED
(by Wong)

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 173**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 173, In memory of Evelyn Weiss Saxe of Houston.

HR 173 was unanimously adopted by a rising vote.

HR 132 - ADOPTED
(by Wolens)

Representative Wolens moved to suspend all necessary rules to take up and consider at this time **HR 132**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 132, Recognizing Maggie J. Jones of Dallas for her many professional achievements and contributions.

HR 132 was read and was adopted without objection.

On motion of Representative Laney, the names of all the members of the house were added to **HR 132** as signers thereof.

HR 181 - ADOPTED
(by D. Jones)

Representative D. Jones moved to suspend all necessary rules to take up and consider at this time **HR 181**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 181, In memory of Fred Q. Underwood.

HR 181 was unanimously adopted by a rising vote.

On motion of Representative West, the names of all the members of the house were added to **HR 181** as signers thereof.

HR 162 - ADOPTED
(by West)

Representative West moved to suspend all necessary rules to take up and consider at this time **HR 162**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 162, In memory of former Odessa mayor Dan Hemphill.

HR 162 was unanimously adopted by a rising vote.

On motion of Representative D. Jones, the names of all the members of the house were added to **HR 162** as signers thereof.

HR 148 - ADOPTED
(by Wise)

Representative Noriega moved to suspend all necessary rules to take up and consider at this time **HR 148**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 148, Honoring Marianna Villanueva and Anthony David Sepulveda on their wedding.

HR 148 was adopted without objection.

HR 151 - ADOPTED
(by Phillips)

Representative Paxton moved to suspend all necessary rules to take up and consider at this time **HR 151**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 151, Congratulating Dr. Walter L. Sisk, Jr., of Bonham on his retirement.

HR 151 was adopted without objection.

INTRODUCTION OF GUESTS

The chair recognized Representatives Chisum and B. Brown who introduced Tobin Redwine, FFA President and Jerod Justice, FFA Vice President.

(Speaker in the chair)

HR 196 - ADOPTED
(by Peña)

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 196**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 196, Commending Roberto V. Garcia on his career in education.

HR 196 was adopted without objection.

HR 197 - ADOPTED
(by Peña)

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 197**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 197, Commemorating the 95th anniversary of Edinburg's designation as the Hidalgo County seat.

(Lewis in the chair)

HR 197 was adopted without objection.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

Smithee on motion of Chisum.

HR 179 - ADOPTED
(by Smithee)

Representative Swinford moved to suspend all necessary rules to take up and consider at this time **HR 179**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 179, Congratulating Captain R. L. "Rusty" Davis of Amarillo on his retirement from the Texas Department of Public Safety.

HR 179 was adopted without objection.

HR 185 - ADOPTED
(by Hochberg)

Representative Hochberg moved to suspend all necessary rules to take up and consider at this time **HR 185**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 185, Congratulating Jason Santamaria on receiving the Harrison H. Schmitt Leadership Award.

HR 185 was adopted without objection.

HR 184 - ADOPTED
(by Pitts, Hochberg, Morrison, and F. Brown)

Representative Hochberg moved to suspend all necessary rules to take up and consider at this time **HR 184**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 184, Honoring Texas A&M University System Chancellor Howard D. Graves.

HR 184 was read and was adopted without objection.

On motion of Representative Hunter, the names of all the members of the house were added to **HR 184** as signers thereof.

HR 178 - ADOPTED
(by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 178**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 178, Honoring the Reverend Dr. E. Thurman Walker of San Antonio on his 10th pastoral anniversary at Antioch Missionary Baptist Church.

HR 178 was adopted without objection.

HR 131 - ADOPTED
(by Deshotel)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 131**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 131, Recognizing Johnie Alford, owner of Alford's Supermarket in Port Acres, on his retirement.

HR 131 was adopted without objection.

HR 176 - ADOPTED
(by Talton)

Representative Talton moved to suspend all necessary rules to take up and consider at this time **HR 176**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 176, Congratulating Dr. Shelby M. Elliot on his upcoming retirement and his distinguished career as a practitioner of chiropractic medicine.

HR 176 was adopted without objection.

On motion of Representative J. Davis, the names of all the members of the house were added to **HR 176** as signers thereof.

HR 146 - ADOPTED
(by Hughes)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 146**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 146, Honoring John and Dolores Waggoner on their 50th wedding anniversary.

HR 146 was adopted without objection.

HR 147 - ADOPTED
(by Hughes)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 147**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 147, Congratulating Lee E. and Sarah J. Williams on their 50th wedding anniversary.

HR 147 was adopted without objection.

HR 182 - ADOPTED
(by Hughes)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 182**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 182, Honoring Novis Dell Wisdom on her retirement as Wood County district clerk.

HR 182 was adopted without objection.

HR 183 - ADOPTED
(by Hughes)

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 183**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 183, Honoring Melba Kelly on her retirement as deputy probate clerk in the Wood County clerk's office.

HR 183 was adopted without objection.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Olivo on motion of Noriega.

HR 154 - ADOPTED
(by B. Brown)

Representative B. Brown moved to suspend all necessary rules to take up and consider at this time **HR 154**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 154, Honoring Bernie K. Dodd, P.E., on his retirement from the Texas Department of Transportation.

HR 154 was adopted without objection.

(Speaker in the chair)

HR 152 - ADOPTED

(by Kuempel)

Representative Kuempel moved to suspend all necessary rules to take up and consider at this time **HR 152**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 152, In memory of Dr. Sam A. Nixon of Houston.

HR 152 was unanimously adopted by a rising vote.

On motion of Representative Chisum, the names of all the members of the house were added to **HR 152** as signers thereof.

HR 193 - ADOPTED

(by Hilderbran)

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **HR 193**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 193, In memory of Connie Douglas Reeves, legendary Texas cowgirl.

HR 193 was unanimously adopted by a rising vote.

HR 194 - ADOPTED

(by Hilderbran)

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **HR 194**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 194, In memory of Leonard L. Holloway of Kerrville.

HR 194 was unanimously adopted by a rising vote.

HR 168 - ADOPTED

(by Garza)

Representative Garza moved to suspend all necessary rules to take up and consider at this time **HR 168**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 168, Commending Roberto Gonzalez of Eagle Pass for his contributions to Maverick County and the State of Texas.

HR 168 was adopted without objection.

**HR 169 - ADOPTED
(by Garza)**

Representative Garza moved to suspend all necessary rules to take up and consider at this time **HR 169**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 169, Commending the Motivation Education & Training, Inc., Youth Program and its participants for their commitment to education.

HR 169 was adopted without objection.

**HR 170 - ADOPTED
(by Garza)**

Representative Garza moved to suspend all necessary rules to take up and consider at this time **HR 170**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 170, Honoring Tex-spice of Medina County on its 20th anniversary.

HR 170 was adopted without objection.

**HR 198 - ADOPTED
(by Garza)**

Representative Garza moved to suspend all necessary rules to take up and consider at this time **HR 198**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 198, Honoring Louie Alamia of Edinburg for his achievements in baseball.

HR 198 was adopted without objection.

**HR 171 - ADOPTED
(by Garza)**

Representative Garza moved to suspend all necessary rules to take up and consider at this time **HR 171**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 171, Honoring the life of Ruben Alonzo of Crystal City.

HR 171 was unanimously adopted by a rising vote.

HR 187 - ADOPTED

(by Stick)

Representative Stick moved to suspend all necessary rules to take up and consider at this time **HR 187**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 187, Congratulating Evan Horn of Austin on achieving the rank of Eagle Scout.

HR 187 was adopted without objection.

HR 188 - ADOPTED

(by Stick)

Representative Stick moved to suspend all necessary rules to take up and consider at this time **HR 188**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 188, Honoring Louise Thompson of Austin on her 100th birthday.

HR 188 was adopted without objection.

HR 189 - ADOPTED

(by Stick)

Representative Stick moved to suspend all necessary rules to take up and consider at this time **HR 189**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 189, Honoring Ruben Ramos for his many contributions to Tejano music and to his community.

HR 189 was adopted without objection.

HR 190 - ADOPTED

(by Stick)

Representative Stick moved to suspend all necessary rules to take up and consider at this time **HR 190**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 190, Congratulating the Grisham Middle School Honors Band on their invitation to perform at the 2003 International Band and Orchestra Conference in Chicago.

HR 190 was adopted without objection.

HR 191 - ADOPTED
(by Stick)

Representative Stick moved to suspend all necessary rules to take up and consider at this time **HR 191**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 191, Congratulating Vince Thiele of Austin on achieving the rank of Eagle Scout.

HR 191 was adopted without objection.

HR 192 - ADOPTED
(by Stick)

Representative Stick moved to suspend all necessary rules to take up and consider at this time **HR 192**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 192, Honoring Shelby and Pat Carter on their 50th wedding anniversary.

HR 192 was adopted without objection.

HR 133 - ADOPTED
(by Craddick)

Representative D. Jones moved to suspend all necessary rules to take up and consider at this time **HR 133**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 133, Congratulating Bill and Marilyn Wheeler of Midland on their 50th wedding anniversary.

HR 133 was adopted without objection.

HR 134 - ADOPTED
(by Craddick)

Representative D. Jones moved to suspend all necessary rules to take up and consider at this time **HR 134**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 134, Congratulating Micky and Jimmie Helms of Midland on their 50th wedding anniversary.

HR 134 was adopted without objection.

HR 135 - ADOPTED
(by Craddick)

Representative D. Jones moved to suspend all necessary rules to take up and consider at this time **HR 135**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 135, Congratulating Mary and Lou Greer of Midland on their 60th wedding anniversary.

HR 135 was adopted without objection.

HR 195 - ADOPTED
(by Craddick)

Representative D. Jones moved to suspend all necessary rules to take up and consider at this time **HR 195**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 195, Honoring Glen Castlebury of Austin on the occasion of his retirement from the Texas Department of Criminal Justice.

HR 195 was adopted without objection.

(Taylor now present)

HR 177 - ADOPTED
(by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 177**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 177, Congratulating Jesus "El Matador" Chavez, the world super featherweight champion.

HR 177 was adopted without objection.

HR 165 - ADOPTED
(by Gutierrez)

Representative Gutierrez moved to suspend all necessary rules to take up and consider at this time **HR 165**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 165, Commending the Honorable Robert F. Barnes on his outstanding contributions to his community and state.

HR 165 was adopted without objection.

HR 166 - ADOPTED
(by Gutierrez)

Representative Gutierrez moved to suspend all necessary rules to take up and consider at this time **HR 166**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 166, Honoring Mayor Leo Montalvo for his outstanding service to the City of McAllen.

HR 166 was adopted without objection.

HR 180 - ADOPTED
(by Gutierrez)

Representative Gutierrez moved to suspend all necessary rules to take up and consider at this time **HR 180**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 180, Recognizing September 13, 2003, as AVANCE Day in Texas.

HR 180 was adopted without objection.

HR 129 - ADOPTED
(by Baxter and McCall)

Representative Baxter moved to suspend all necessary rules to take up and consider at this time **HR 129**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 129, Honoring Lance Armstrong on winning his fifth consecutive Tour de France title.

HR 129 was adopted without objection.

On motion of Representative Madden, the names of all the members of the house were added to **HR 129** as signers thereof.

HR 141 - ADOPTED
(by J. Keffer)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 141**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 141, Honoring Shorty and Peggy Holland of Mineral Wells on their 50th wedding anniversary.

HR 141 was adopted without objection.

HR 186 - ADOPTED
(by Giddings)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 186**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 186, Honoring Scott McAnally on his retirement from state service.

HR 186 was adopted without objection.

HR 155 - ADOPTED
(by Martinez Fischer)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 155**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 155, In memory of Kathleen Bratton Voigt.

HR 155 was unanimously adopted by a rising vote.

HR 161 - ADOPTED
(by Rose)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 161**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 161, In memory of Erwin Anton Goebel of Johnson City.

HR 161 was unanimously adopted by a rising vote.

HR 158 - ADOPTED
(by Capelo)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 158**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 158, Honoring Joe R. DeLeon, Jr., of Corpus Christi for being named the Texas Pharmacy Association 2003 Pharmacist of the Year.

HR 158 was adopted without objection.

HR 160 - ADOPTED
(by Capelo)

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 160**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 160, Honoring Emmett Sheppard, the new president of the Texas AFL-CIO.

HR 160 was adopted without objection.

POSTPONED BUSINESS

The following bill was laid before the house as postponed business:

HB 12 ON THIRD READING
(by Swinford)

HB 12, A bill to be entitled An Act relating to the administration of certain legislative agencies.

HB 12 was read third time on August 18 and was postponed until 11 a.m. today.

Amendment No. 1

Representative Swinford offered the following amendment to **HB 12**:

Amend **HB 12**, on third reading, as follows:

- (1) On page 3, line 15, strike "five" and substitute "six [~~five~~]".
- (2) On page 3, line 17, strike "four" and substitute "five".
- (3) On page 6, line 9, between "SECTION 16" and "If", insert "(a)".
- (4) On page 6, line 10, strike "four" and substitute "five".
- (5) On page 6, line 17, strike "four" and substitute "five".
- (6) On page 6, between lines 19 and 20, insert the following:
 - (b) The lieutenant governor, as soon as possible after the effective date of this Act, shall appoint an additional senator to serve as a member of the Texas Legislative Council under Section 323.001(b)(4), Government Code, as amended by this Act.

Amendment No. 1 was adopted without objection.

A record vote was requested.

The vote was taken on passage of **HB 12**, as amended, and the vote resulted as follows (Record 31): 62 Yeas, 10 Nays, 3 Present, not voting.

Yeas — Allen; Baxter; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Delisi; Denny; Edwards; Eissler; Flynn; Garza; Griggs; Grusendorf; Gutierrez; Hamric; Heflin; Hilderbran; Hill; Hochberg; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; Kolkhorst; Kuempel;

Laney; Lewis; Madden; Marchant; McCall; McReynolds; Morrison; Nixon; Paxton; Pitts; Ritter; Smith, W.; Stick; Swinford; Talton; Taylor; Truitt; Uresti; West; Wohlgemuth.

Nays — Canales; Capelo; Coleman; Eiland; Escobar; Moreno, P.; Naishtat; Noriega; Peña; Quintanilla.

Present, not voting — Mr. Speaker(C); Dukes; Dunnam.

Absent, Excused — Bailey; Burnam; Gallego; Jones, J.; Luna; Mercer; Olivo; Smithee; Woolley.

Absent — Alonzo; Bohac; Campbell; Casteel; Castro; Chavez; Christian; Cook, B.; Davis, Y.; Dawson; Deshotel; Driver; Dutton; Elkins; Ellis; Farabee; Farrar; Flores; Gattis; Geren; Giddings; Goodman; Goolsby; Guillen; Haggerty; Hamilton; Hardcastle; Harper-Brown; Hartnett; Hegar; Hodge; Homer; King; Krusee; Laubenberger; Mabry; Martinez Fischer; McClendon; Menendez; Merritt; Miller; Moreno, J.; Mowery; Oliveira; Phillips; Pickett; Puente; Raymond; Reyna; Riddle; Rodriguez; Rose; Seaman; Smith, T.; Solis; Solomons; Telford; Thompson; Turner; Van Arsdaile; Villarreal; Wilson; Wise; Wolens; Wong; Zedler.

The speaker announced that the outcome of the passage of **HB 12** could not be determined because the above vote revealed that a quorum was not present.

POINT OF ORDER

Representative P. Moreno raised a point of order under Rule 5, Section 5 of the House Rules on the grounds that Record Vote No. 31 showed that a quorum was not present.

The speaker sustained the point of order.

ADJOURNMENT

Representative Hopson moved that the house adjourn until 9 a.m. Tuesday, August 26 in memory of True Sandlin of Mount Pleasant.

The motion prevailed without objection.

The house accordingly, at 12:39 p.m., adjourned until 9 a.m. Tuesday, August 26.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

August 19

Border and International Affairs - **HB 51**

Government Reform - **HB 6**

ENGROSSED

August 18 - HB 3, HB 23

